

THE TROY HERALD

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NO. 4

TROY HERALD.

WEDNESDAY, JANUARY 26, 1876.

LOCAL AND COUNTY NEWS.

Judge Martin had a graded calf born on his farm the other day that weighed one hundred pounds.

Account of public installation of officers at Lincoln Mill grange unanimously approved out. Will appear next week.

Mr. Nelson will hold services at the Christian church next Saturday evening and Sunday following, instead of the first Sunday, as usual.

John Best was lodged in jail last Wednesday on a commitment of Esquire Allen of Burr Oak township, for default in paying fine and costs in a case of assault and battery.

Mr. G. A. Hamilton killed a bald eagle last Sunday which measured eight feet between the tips of the wings. It had carried off a pig weighing about a hundred pounds.

The Lincoln county Medical society will meet in Troy next Saturday. Dr. McKee will read a paper on pneumonia. A full attendance is requested. J. A. Mudd, Secy.

We regret to hear of the death of John McCarty which took place two weeks ago to-day, at his late residence, four miles west of Millwood. He was a good citizen and a man of kindly, generous impulses. He leaves a wife and five daughters.

The very unusual mildness of the weather thus far, excites the apprehensions of those who look forward with joyful anticipations to taking "a little mist in their" next summer. It looks as if there would be no ice put up.

WATERS AND RIKKE.—The cases of Waters and Rikke were argued before the court of appeals last Wednesday, and a decision was expected last Monday, but Mr. McFarland received a telegram from the clerk of that court, stating that the decision had not been made, and that he would be promptly notified in its event. The scaffold for the unfortunate men is now being erected in the jail yard, but it is safe to say that the men will not be hung next Friday. If the court of appeals do not grant the petition for new trials, the cases will be taken to the supreme court, and if the same result be had, the condemned men will have to be brought before that court under a writ of habeas corpus and re-sentenced.

Since the above was put in type, we have seen Sheriff Carter, and he says he has had no notification of official interference, and in case he does not between now and Friday, the executions will take place.

Mr. Thomas M. Jameson thinks we did him an injustice in an account, published about two months ago, of a disturbance at a school in which his son, a pupil in the school, and himself figured. He says the teacher raised a bludgeon against him and that he thinks his son was justified in drawing his pistol in defence of his father. He further says that all he wants is a fair thing, and if the teacher and directors are animated by the same laudable disposition to see justice done, fairly to all concerned, that he will fetch his son back from Texas, where he now is, and the matter shall be fought out on the square, flat to skull, with a line drawn and no interference. That if his son is not willing to accept the terms and fall in on his muscle, that he will take his son's place, being as good a man as his son. This he thinks is the fairest and cheapest way of settling which party was in the wrong, and not be going to law and make him pay fines unjustly. Of course, there never was anything fairer than that.

SCENE OF COUNTY HISTORY.

Reminiscences of Wm. Uptegrove.

Continued.

No. V.

Mr. Uptegrove noticed that in the immigration pouring in this state shortly after he came here, that the rich people, judging by the outfit of trains, kept on up the Boonville road as if making for the rich lands of Platte Valley, while the poor devils stuck in all around him. Notwithstanding this he thought there could not be a better country on the face of the globe. It seemed to him to be a perfect paradise. The soil, in its virgin richness, was fertile to a wonderful degree to him who had been used to the red hills and flint stone of old North Carolina. What impressed him more than anything else was the immense amount of mast. The acorns, falling from the trees, would fill up the ruts in the road, so that the wagon wheels would cause a continual popping. In many cases the acorns would be piled up to such an extent that travel was hindered and it was not unusual that the cheerful snap of the whip as it descended upon the back of the patient, would be alternated with an energetic "Cuss the acorn," from the lips of the driver. To devour this crop there were but few hogs. These always kept fat on the mast and were never fed except to make them gentle. More money was made on pork than at two cents a pound then since at double the price.

Mr. Uptegrove found here an old acquaintance, Capt. Thomas Hammond, who lived where now lives B. H. Wommack. His acquaintance had been made some twenty-five years before in Kentucky. The former had an uncle living in the same neighborhood in Kentucky, who raised and bought horses and took them to North Carolina to sell. On the occasion referred to Mr. Uptegrove returned with him and remained about one year. He also had a slight acquaintance with Esquire James Brown, who came to this county a few years afterwards, having intimately known several members of his family in his native state. His first met Esquire Brown at a muster. At this same muster, whisky circulated a little too freely and several disturbances were the consequence. In one of these Lot Torrance broke Hoz Purdom's arm by the stroke of a bludgeon. Whiskey was plenty and cheap in those days; it could be had almost anywhere for a picanine a quart. The quality too was much better than now; people hadn't learned to cheat much in those days. There were several stills in operation and they made pure liquor. If a man could manage to rake up money enough to buy some over and above what he needed for regular home consumption and could lay it away to give it age, he could have something especially fine, that would do for extra occasions, to be brought out to a select few who knew how to appreciate it. Then you'd hear eulogies on the "bead," and comparisons with the peach brandy of the old North state; and really some people thought it just as good, but that was because they had forgotten the genuine taste of the North Carolina peach brandy. Col. Cox kept a still; a young man had come along from North Carolina, with good recommendations as to his knowledge of distilling, and the colonel hired him. Though whisky was so plenty there was not so much drinking as one would suppose. There were no deep, secret drinkers, but people drank through a social feeling. Everybody was friendly. The best of feeling always existed. If a man was in a tight place, he would be helped out. This practice had the force of an unwritten law, held sacred for the mutual protection and advantage of each member of the community.

Look out for B. S. Dews' new advertisement next week.

THE DEBATE ON CAPITAL PUNISHMENT.

The last session of the society was so well attended by visitors as usual, owing, perhaps, to the threatening weather and the fact that the discussion was upon a subject that many considered dry. It is a lack of correct taste that impels people to listen to lighter subjects to the exclusion of more metaphysical ones. The society paper was a good one, and was read in an exceedingly graceful and agreeable manner by its editor, Miss Purse. She very properly received a vote of thanks.

The debate was upon the resolution, That capital punishment should be abolished. It was opened by A. V. McKee in the affirmative. It was a practical question in which the whole people were interested. Capital punishment is a species of barbarism that has come down to us from the elder days. He would be met, he knew, with the laws and usages of the time when direct Theocracy existed. These had no bearings upon the questions of practical policy now. Capital punishment is but a judicial murder. It is an unwarrantable assumption of power on the part of the government. The citizen's own life is not under his control and he cannot grant the power to take it. Liberty, property and other rights he has control over and these he can surrender for the good of society, but life which comes from God, he cannot. This he considered an unanswerable objection. The object of punishment by the law is the protection of the people and the reformation of the guilty. Capital punishment is inadequate to the former and renders the latter impossible.

J. M. McLellan led for the negative. He commenced with a short disquisition upon the powers and purposes of government to show that the principle of right as contended for by Mr. McKee could not be sustained. The right principle is that crime should be punished. The effect to deter the commission of crime was another consideration, and a secondary one—a question of policy entirely—and whatever weight it carried was all on the side of capital punishment. The fear of punishment causes the law to be observed. Every law has a penalty. This point was well handled by the speaker and strengthened by several apt illustrations. The statistics of crime, he said, are not conclusive, because the criminal code in many states is, like our own, sadly defective. Where laws are certain of execution, experience proves that capital punishment is a great preventive of crime. The hope of escaping punishment is a great incentive to crime, and where capital punishment does not exist, hope of escape is never denied the criminal. He concluded by an allusion to the experience in our country.

W. T. Thurmond next appeared in support of the passage of the resolution. The assertion of an eye for an eye and a tooth for a tooth was a savage doctrine. That the certainty of punishment deters crime is an argument in favor of this resolution. Laws are not uniform. The general sentiment is such that there would be more convictions if capital punishment were abolished. Public executions brutalize the people and their exhibition instigates rather than retards crime. The speaker then dwelt at some length and considerable power upon the beneficial results of reformatory institutions where moral session was the rule, and where criminals could pay the expenses of trial and work for the support of their own families and those of their victims.

W. J. Fitcher spoke against the resolution. The question involved, he said, was whether we shall confer a special immunity upon the blood-stained murderer. He spoke with the convictions of a lifetime and with no spirit of vindictiveness. To a great extent crime carries its

own punishment, but this is a very small example and there are many who are not deterred. It is a question of policy, and the punishment should be for its own sake alone, but also as a means of deterring crime, the necessity for capital punishment was no less plain. Now the substitution of capital punishment would be solitary confinement for life, or for a term of years. In the penitentiary, the former more cruel than death and the latter a farce—no punishment except in name—and both almost useless to moral agencies.

G. T. Dunn wanted to know whom the other side wanted to hang; they were of blood-thirsty. It was the old fire and brimstone theory—which happily is now nearly obsolete. His friend McLellan only went back to the Mosaic law for precedent, but he would go back to the garden of Eden. If God was so much in favor of capital punishment, why wasn't Cain hung? The old dispensation may have favored hanging, but the new was different; go thy way and sin no more, was the command. Repentance was continually inculcated. How can a man repent and reform when he's swung up between heaven and earth? He gave Mac some hard thrusts about his statements concerning California, and wanted to know if he didn't get them out of McLellan's Reminiscences of Michigan. He closed by reviewing the comparative results of the code as administered in different states.

Judge Bonfile didn't propose to follow Dunn all over the United States and the garden of Eden, but to apply himself to the argument. If McKee's main proposition was true, then the matter ended; but it was not true. The right to take life undoubtedly exists. Suppose friend Dunn were to get married—which he thought was the wisest supposition a man could make, but it would do for argument—and were to come home and find some man killing his wife, wouldn't he be justified in killing that man? Or suppose he were returning from a lawsuit somewhere about New Hope, proudly and serenely happy in the consciousness that he had talked some fellow out of ten dollars, which was safely stowed away in the bottom of the right hand pocket of his trousers, and he met a man with drawn pistol, "your money or your life," and he couldn't get a chance to run, and the case was narrowed down to the surrender of the ten dollars—which, you know, he never would do—and a square fight to save his own life; now, wouldn't he be justified in taking that man's life? The same principle holds good in society and in government. Law was like a cobweb; the big flies break through and the little ones get caught. If a man, worth a hundred thousand dollars, were to commit the most outrageous murder, all he'd have to do would be to employ Dunn and McKee and they'd make him out as innocent as the unborn babe. The trouble is that jurors are not educated up to their duty. One good, wholesome, public hanging would do more to put a stop to the murders in this county than any means that could be devised. It is an ascertained fact that no man ever witnessed an execution and afterwards committed murder. Murders are rare in Europe where the death penalty is swift and certain. Such is the experience in this country where the law is carried out. Capital punishment was abolished in Iowa and murders have increased so fast that the people demand a return to it, and bills have been introduced in both houses of the legislature for that purpose.

Mr. McKee in closing made a very able effort, taking the ground that the unwillingness of juries to convict for capital offences was the cause of most of the crimes going unpunished. This point was skillfully pressed and decided the fate of the resolution. The question for debate next Fri-

day is, Resolved: that every head of family who is a legal voter, should have an additional vote. On the affirmative are J. B. Allen, Dr. McLellan and F. M. Harlan; on the negative B. H. Bonfile, J. P. Blanton and S. A. McDonald. Messrs. Brown Moore and Mary Wright were appointed editors of coming papers.

Ball and Festival.
At the court-house, Friday evening, February 4, 1876, for the Catholic church. Everybody invited. An excellent supper will be set under the management of the ladies of Troy. Tickets, \$1.50.

DEATHS.
YOUNG-HOLLOWAY.—At Olney, Jan. 2, 1876, by Rev. E. D. Owen, Mr. W. M. Young of Holloway and Miss Martha A. Holloway of Olney, all of Lincoln county.
TAYLOR-PARSON.—At Olney, Jan. 15, '76, by Rev. E. D. Owen, Mr. Joseph Taylor and Miss S. E. Parson, all of Lincoln county.
WILSON-GAR.—Jan. 6, 1876, at the residence of the wife's father, by Rev. F. M. Birkhead, Mr. J. W. Wilson and Miss L. J. Gar, all of Lincoln county.
FAULCONER-JORDAN.—Jan. 15, 1876, at the residence of George A. Brown, by Rev. J. B. Allen, Mr. W. H. Faulconer and Mrs. Julia Jordan.
HANNY-MORRIS.—Jan. 25, 1876, at the residence of the bride's father, in Union township, by Rev. J. B. Allen, Mr. Jacob N. Hanny and Miss Mary E. Morris, daughter of Andrew Morris.
MISS W. M. KEMPER.—Jan. 25, 1876, by Rev. J. B. Allen, Mr. James A. Brown and Miss Fannie G. Kemper.

TANNER.—Jan. 15, 1876, at the residence of her brother, W. R. Tanner of St. Louis, Mrs. Della M. Tanner. Her remains were brought to this place for interment.

E. D. WALTON,
ATTORNEY-AT-LAW, TROY, MO.
Will practice in all the courts of Lincoln, Warren and St. Charles counties.—Office in Withrow building—up stairs. Jan 15-76

H. B. UPHAM,
NOTARY PUBLIC, HAWK POINT, MO.
Will attend to all business in his line entrusted to him, writing deeds, etc., also negotiating loans. Jan 15-76

W. S. HUTT, M. D.,
PHYSICIAN, SURGEON AND ACCOU-
CHER, TROY, MO.
Special attention given to the treatment of Anal and Rectal diseases, such as Fistula in Ano, Hemorrhoids, &c. v10n46

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ATTORNEYS-AT-LAW, TROY, MISSOURI.
Will practice in the courts of the Nineteenth Judicial Circuit. Collections promptly attended to.—Office over Henry's shoe shop. G. T. Dunn, Notary Public. v10n46

A. E. NOEL,
SURGEON DENTIST, TROY, MO.
Offers his services to the people of Troy and vicinity. He uses the Colloid compound, the best in use, for plate work. All work warranted. v10n46

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ATTORNEYS AT LAW & COLLECTORS, TROY, MISSOURI.
Particular attention given to controversies affecting Real Estate. We make a specialty of collecting all kinds of notes, bills, &c., at a reasonable commission. Office in the Bank building. v10n46

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Will practice in the courts of the Nineteenth Judicial Circuit. Satisfaction given or no charge made; also Prosecuting Attorney and Public Administrator of the county. v10n46

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Will practice in the courts of the Nineteenth Judicial Circuit. All business entrusted to him will be promptly attended to. Money Also Notary Public. v10n46

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Will attend to any professional business in the courts of the Nineteenth Judicial Circuit. v10n46

DR. W. W. BIRKHEAD,
DENTIST, CHANESVILLE, MO.
Will visit Troy every two or three months, due notice of which will be given through the columns of the Herald.